

REMARKS

Applicant has amended claims 1, 4, and 6. Claim 5 has been canceled, without prejudice. Claims 1-4 and 6-30 are presented for further examination. Favorable reconsideration is respectfully requested.

Allowable Subject Matter

Applicant acknowledges the Examiner's conclusion that claims 5-6, 8-14, 19, and 22-25 would be allowable if re-written in independent form, and will address the remaining prior art rejection of claims 1 to 11 below.

Claims Rejections – 35 U.S.C. § 102

Claims 1-4, 7, 15-18, 20-21, and 26-30 were rejected as being allegedly anticipated by U.S. Patent No. 6,338,422 (DeJonge). Claim 1, as amended, covers a fluid dispensing device that includes, among other things, "one or more rear arms that extend from ... one or more front arms to a recess in, or protrusion extending from, a wall of [a] housing."¹ DeJonge does not disclose or suggest each and every limitation of claim 1, as amended.

The Office Action (page 2) equates DeJonge's lever (50), FIG. 1, to the actuating mechanism of the claims. In this regard, applicant assumes that the Office Action equates the leg (160) of DeJonge's lever, see, e.g., FIG. 6, with the one or more rear arms of the claims. However, even assuming, without conceding, that DeJonge's leg could be equated with a rear arm, DeJonge still does not disclose or suggest "one or more rear arms that extend from ... one or more front arms to a recess in, or protrusion extending from, a wall of [a] housing." (Emphasis added). Nor does DeJonge indicate that such an arrangement would be in any way beneficial. Nor would a person of ordinary skill in the art have modified DeJonge's actuation device in a way to provide such an arrangement.

In DeJonge's actuating device, the leg extends from arms (130) to a free end outside of, and extending away from a housing (10) (see, e.g., DeJonge's FIG. 4). This arrangement allows

the leg to be squeezed toward the housing to cause the arms to rotate in an upward motion and thereby activate the pump dispenser (100) (see, e.g., DeJonge at col. 4, line 61-col. 5, line 3). It would seem that it is this arrangement that allows DeJonge to achieve what he regards as the invention; i.e., a pump sprayer that is operable as a lever or trigger sprayer (see, e.g., DeJonge at col. 1, lines 5-10). This is a distinct method of operation compared with that used with the applicant's claimed device, and the Office Action has pointed to no suggestion in DeJonge to modify the lever system disclosed therein. Accordingly, claim 1 is believed to be patentable over DeJonge.

Each of the dependent claims is believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim, in light of the foregoing amendments, and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

The fee for a three-month extension of time is being paid concurrently herewith by way of deposit account authorization. Please charge any additional fees, not already covered by check, or credit any overpayment, to deposit account 06-1050, referencing Attorney Docket No. 16220-0002US1.

Applicant : Ralph J. Gilliard II
Serial No. : 10/574,415
Filed : August 6, 2008
Page : 9 of 9


Attorney's Docket No.: 16220-0002US1

Applicant's attorney can be reached at the address shown above. Telephone calls regarding this application should be directed to 617-956-5955.

Respectfully submitted,

Date: January 20, 2016

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945


Timothy M. Bryan
Reg. No. 62,794